

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|-----------------------------------|---|--------------------------------------|
| COMMONWEALTH OF | : | CIVIL ACTION NO. 1:12-CV-1567 |
| PENNSYLVANIA, PENNSYLVANIA | : | |
| GAME COMMISSION, | : | (Chief Judge Conner) |
| | : | |
| Plaintiff | : | |
| | : | |
| v. | : | |
| | : | |
| THOMAS E. PROCTOR HEIRS | : | |
| TRUST and the MARGARET | : | |
| PROCTOR TRUST, | : | |
| | : | |
| Defendants | : | |

ORDER

AND NOW, this 26th day of September, 2017, upon consideration of the report (Doc. 77) of Chief Magistrate Judge Susan E. Schwab, recommending that the court deny plaintiff's motion (Doc. 67) to dismiss defendants' counterclaim or, in the alternative, for a more definite statement or to strike certain paragraphs of said pleading, and the court noting that plaintiff filed partial objections (Doc. 78) to the report, see FED. R. CIV. P. 72(b)(2), and defendants filed a response (Doc. 79) thereto, and, following a *de novo* review of the contested portions of the report, see Behar v. Pa. Dep't of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing 28 U.S.C. § 636(b)(1)(C); Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989)), and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court in full agreement with Judge Schwab's *ratio decidendi*, and finding same to be thorough, well-reasoned,

and fully supported by the record and the decisional law identified in the report, and finding plaintiff's objections (Doc. 78) to be without merit and squarely addressed by the report, it is hereby ORDERED that:

1. The report (Doc. 77) of Chief Magistrate Judge Schwab is ADOPTED in its entirety.
2. Plaintiffs' motion (Doc. 67) to dismiss defendants' counterclaim or, in the alternative, for a more definite statement or to strike certain paragraphs of said pleading is DENIED.
3. The above-captioned matter is REMANDED to Chief Magistrate Judge Schwab for further pretrial management.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania